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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,324	12/18/2001	Urpo Tuomela	413-010763-US(PAR)	6731
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FAIRFIELD, CT 06824			PAPER NUMBER	

2617

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,324

Applicant(s)

TUOMELA ET AL.

Examiner

Un C. Cho

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

* The last office action mailed on March 6th 2006 has been vacated and is replaced with the office action below.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Geva (US 6,366,871 B1).

Regarding claim 1, Geva discloses a wireless data logging and processing device, reminder (a personal ambulatory cellular health monitor (Fig. 1, 12)), arranged so as to collect, process and indicate information needed by an individual user (the monitor collects, processes and provides information needed by the patient and the clinician), wherein the reminder comprises a control unit (control subsystem, Fig. 2B, 600; Geva, Col. 5, lines 49 – 57 and Col. 7, lines 43 – 47) equipped with means arranged so as to make context-based decisions to guide the actions of the user of the reminder, said reminder comprising (see Abstract): a means for wirelessly monitoring physical condition of the user; a means for wirelessly monitoring physical activity of the user (different sensors,

built-in and/or external sensors within the monitor, monitors the physical condition and activity of the user and the result is transmitted wirelessly via the radio subsystem to a central medical monitoring station for analysis by a physician or clinician; Geva, Col. 5, line 58 through Col. 6, line 47 and Col. 7, lines 8 – 16); a means for wirelessly monitoring location of the user (personal location subsystem (Fig. 2C, 200) within the monitoring device, monitors the location of the user and the patient's current location is also transmitted wirelessly to the clinician; Geva, Col. 6, line 51 through Col. 7, line 7 and Col. 8, lines 53 – 62); and a means for wirelessly monitoring task activity of the user (an event recording mode that monitors task activity of the user and the result is transmitted wirelessly to the central station; Geva, Col. 9, lines 14 – 30).

Regarding claim 2, Geva in view of Pool as applied above discloses a memory part of which is arranged so as to provide an activity log in the reminder (Geva, Col. 9, lines 14 – 30).

Regarding claim 3, Geva in view of Pool as applied above discloses an alarm/display part (alarm (Fig. 2B, 609)/display (Fig. 2B, 606)), user interface for the device (keypad (Fig. 2B 607)), and a receiver (radio subsystem, (Fig. 2C, 500)) (Geva, Col. 7, lines 8 – 47).

Regarding claim 4, Geva in view of Pool as applied above discloses a receiver means with which the reminder is arranged so as to function as a terminal in wireless network (Geva, Col. 7, lines 8 – 25).

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Regarding claim 5, Geva in view of Pool as applied above discloses wherein the wireless network terminal is arranged so as to function as a personal cellular phone (Geva, Col. 7, lines 50 – 67).

Regarding claim 6, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geva (US 6,366,871 B1) in view of Pool et al. (US 6,561,975 B1).

Regarding claim 7, Geva as applied above does not specifically disclose wherein monitoring arrangements are arranged so as to communicate their data through a wireless link. In an analogous art, Pool discloses wherein the monitoring arrangements are arranged so as to communicate their data through a wireless link to the reminder (Pool, Col. 5, line 45 through Col. 6, line 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Pool to the system of Geva in order to provide a reliable, economical and non-invasive system for

conveniently and chronically collecting cardiac and other implantable medical device data.

Regarding claim 8, Geva in view of Pool as applied above discloses wherein the data communicated by the monitoring arrangements are arranged so as to be stored in an activity log in the memory of the reminder (Geva, Col. 8, lines 46 – 49).

Response to Arguments

5. Applicant's arguments filed 4/6/2006 have been fully considered but they are not persuasive.

Applicant presented the argument that the reference provided by the examiner fails to teach the claimed invention. Examiner respectfully disagrees.

Regarding claim 1, applicant argued that the reference by Geva fails to teach a wireless data logging and processing device having a means for wirelessly monitor physical condition, activity, location and task activity of the user. Geva clearly discloses that the monitoring device is wireless and all the information that is gathered is transmitted wirelessly to a central station so that the assigned doctor or clinician can monitor the health of the patient using the monitoring device (Geva, Col. 5, lines 49 – 57 and Col. 7, lines 43 – 47; Geva, Col. 5, line 58 through Col. 6, line 47 and Col. 7, lines 8 – 16; Geva, Col. 6, line 51 through Col. 7, line 7 and Col. 8, lines 53 – 62; Geva, Col. 9, lines 14 – 30). Therefore, the rejections of claims 1 – 6 stands.

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6. Applicant's arguments with respect to claims 7 – 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2617

4/19/06 dc


GEORGE ENG
SUPERVISORY PATENT EXAMINER